

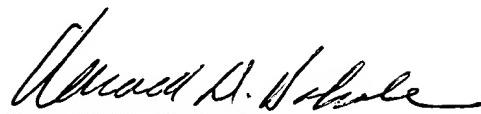
REMARKS

In essence the Examiner characterizes appellants' invention of claims 1-8 as a selection of a method including a single composition (with t-amyl HP as a component of their method at issue) chosen from a small set of disclosed compositions. Appellants in fact claim a method, in an emulsion polymerization, using a redox initiator system consisting essentially of t-alkyl HP, t-alkyl peroxide, or t-alkyl perester wherein the t-alkyl group includes at least 5 Carbon atoms and a non-formaldehyde-forming reducing agent. That is to say, appellants' invention is to a method including a set of redox initiating systems with a single point of overlap with the disclosure of Mudge and Leighton. The performance of this point of overlap is not only unexpectedly superior to that of the balance of the disclosed methods, but further, the difference between the present invention and the prior art, each taken as a whole, is one of pertinent kind rather than one of mere extent, in that the t-alkyl groups including at least 5 Carbon atoms preferentially undergo beta scission, in the case of t-amyl HP to generate from the first-formed t-amyloxy radical, ethyl radicals. In contrast t-Bu HP forms t-butoxy radicals which are capable of forming formaldehyde in aqueous systems.

Therefore, appellants' invention of the method wherein t-alkyl HP, t-alkyl peroxide, or t-alkyl perester wherein the t-alkyl group that includes at least 5 Carbon atoms in the redox initiating system is material to providing minimum formaldehyde levels as sought by appellants and is a distinguishable invention from that of Mudge or Leighton.

Appellants respectfully submit that their claimed subject matter is not disclosed in Mudge or Leighton with "sufficient specificity" to constitute an anticipation. Appellants respectfully urge that their invention of claims 1-8 is not anticipated under 35 USC 102(b) by Mudge or Leighton.

Respectfully Submitted,



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